

1 HONORABLE RICARDO S. MARTINEZ  
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10 UNITED STATES DISTRICT COURT  
11 WESTERN DISTRICT OF WASHINGTON  
12 AT SEATTLE  
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15 AT&T MOBILITY LLC,  
16  
17 Plaintiff,

v.

18 MARC SAPATIN, SAPATIN NGUYEN  
19 ENTERPRISES, INC., SAPATIN  
ENTERPRISES, INC., NGUYEN LAM,  
20 KYRA EVANS, PRASHANT VIRA, SWIFT  
UNLOCKS, INC. and JOHN DOES 1-50,  
21 United States individuals and entities,  
22  
Defendants.

No. 2:15-cv-01462-RSM

ORDER GRANTING JOINT MOTION  
TO EXTEND STAY

NOTING DATE: May 28, 2021

This matter came on for hearing upon the Joint Motion to Extend Stay submitted by the parties.

Having considered the motion, the Court continues the current stay of the case, subject to the following conditions:

a. AT&T may only seek relief from the stay or case closure as to a currently named Defendant if restitution is not adjudicated in the related criminal proceedings referenced above.  
AT&T's right to seek relief from the stay or case closure in order to seek leave to amend the

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24 ORDER GRANTING CONSENT MOTION TO  
25 EXTEND STAY- 1  
26 Case No. 2:15-cv-01462-RSM

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1 Complaint to name additional defendants, however, shall not be restricted by this Order.

2 b. AT&T shall promptly dismiss with prejudice all claims against each Defendant  
3 whose criminal proceeding is final and has resulted in AT&T having the opportunity to request  
4 restitution against that Defendant.

5 c. For the avoidance of confusion, such dismissal shall occur no later than ten (10)  
6 days after AT&T is notified that a guilty plea has been entered that affords AT&T the  
7 opportunity to request restitution against that particular Defendant and a sentence against that  
8 particular Defendant has been entered.

9 d. If a related criminal proceeding has not yet resulted in the adjudication of  
10 restitution as to a particular Defendant by the time a temporary stay of proceedings expires, the  
11 remaining Parties shall stipulate to an additional stay or closure of this case, subject to approval  
12 by the Court, under the same terms as set forth herein.

13 e. AT&T shall not pursue claims against a remaining Defendant unless AT&T is  
14 denied the opportunity to request restitution in that Defendant's criminal case.

15 f. AT&T's dissatisfaction with the amount of restitution awarded against a  
16 particular Defendant, or a criminal court's decision not to award any restitution to AT&T, shall  
17 not provide AT&T with a basis to pursue claims against that Defendant.

18 g. AT&T will report to the Court by no later than December 15, 2021 regarding  
19 the current status of all federal criminal investigations into the Defendants and whether there  
20 are grounds that would warrant allowing the case to remain open.

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26 ORDER GRANTING CONSENT MOTION TO  
EXTEND STAY- 2  
Case No. 2:15-cv-01462-RSM

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1 DATED this 1<sup>st</sup> day of June, 2021.  
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RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE  
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10 Presented by:  
11

/s/ David A. Bateman

12 David Bateman, WSBA #14262  
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AT&T Mobility LLC  
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ORDER GRANTING CONSENT MOTION TO  
EXTEND STAY- 3  
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